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Crl.O.P.No.3276 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3276 of 2025

1. Kalaivani N
2. Prakash C

Petitioner(s)

Vs

State Rep.By,
The Inspector Of Police,
Komarapalayam Police Station,
Namakkal District
(Crime. No. 453 of 2024)

Respondent(s)

PRAYER: Criminal Original Petition has been filed under Section 482 of B.N.S.S. praying to enlarge the petitioners on bail in the event of their arrest in Crime No. 453 of 2024 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan

For Respondent : Mr.S.Balaji,
Govt. Advocate (Crl. Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections Girl missing @ 87 of The Bharatiya Nyaya Sanhita (BNS), 2023 and Section 9, 11 of Protection of Children from Sexual Offence Act, 2012 in Crime No.453 of 2024 on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the 1st accused and daughter of defacto complainant, aged about 17 years had a love affair; that on 25.11.2024, his daughter went along with 1st accused and married him and had sexual intercourse. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the 1st petitioner is an elder sister of A1 and 2nd petitioner is relative of A1. Admittedly, it is a case of love affair between A1 and victim, who is aged about 17 years at the time of occurrence and she had voluntarily gone with A1; that the petitioner had nothing to do with the alleged offence; that in any case, the custodial interrogation of petitioners is not required for the purpose of



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investigation and sought for anticipatory bail.

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4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and on instructions, confirmed the fact that the victim had a love affair with the 1st accused; that the petitioners are the relatives of A1.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

6. Considering the aforesaid facts and the nature of allegation; that since it is a case of love affair; that the victim girl had gone voluntarily with the first accused, the custodial interrogation of petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Fast Track Mahila Court, Namakkal on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:



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[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

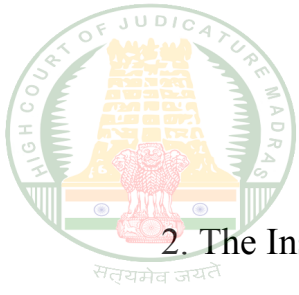
[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

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To

1. Sessions Judge, Fast Track Mahila Court, Namakkal.



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2. The Inspector Of Police, Komarapalayam Police Station, Namakkal

3. The Public Prosecutor, High Court, Madras.

SUNDER MOHAN, J.

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